

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed the Office Communication mailed on September 26, 2006.

No claims were amended, canceled, or added; as a result, claims 1-34 are now pending in this application.

#### **Election of Species**

The Election/Restriction Requirement indicated that election to one of the following species was required:

Species 1, Figure 2A (claims 1-14), directed to a first embodiment of a media platform.

Species 2, Figure 2B (claims 15-20), directed to a second embodiment of a media platform.

Species 3, Figure 1 (claims 21-24), directed to a third embodiment of a media platform.

Species 4, Figures 3 and 4 (claims 25-31), directed to combination of a first and a second method for allocating DMA slots in a media platform.

Species 5, Figure 4 (claims 32-33), directed to a second method for allocating DMA slots in a media platform.

Species 6, Figure 3 (claim 34), directed to a computer readable medium having a program to cause a device to perform a first method for allocating DMA slots for a media platform.

Applicant elects, with traverse, to prosecute the invention of Species 1, claims 1-14. The Election of Species is traversed on the basis that an Election of Species is optional. MPEP §803. As the section further states, if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine it on the merits. If the number of species is reasonable they may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed

species and all the claims to species in excess of one are written in dependent form or otherwise includes all the limitations of the generic claim. 37 C.F.R. § 1.141(a). Applicant notes that there are six identified species. Species 1 is encompassed in the independent claims 1, 15, 21, 25, 32, and 34 directed to a media platform system and methods therefor. Finally, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple applications in order to obtain protection for the claimed subject matter.

Reconsideration and withdrawal of the election of species requirement is respectfully requested.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Tuan V. Ngo at (408) 447-8133 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

**CERTIFICATE UNDER 37 CFR §1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 25<sup>th</sup> day of October, 2006.

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Respectfully Submitted,  
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